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| APPLICATION NO. | FILED DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------------|------------|-----------------------|---------------------|------------------|
| 10/763,970 | 01/26/2004 | Joseph Michael Reeves | | 7885 |
| 7590 | 06/29/2005 | | EXAMINER | |
| Mr. Michael Reeves 520 Water Street North Little Rock, AR 72117 | | | CHIN, RANDALL E | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1744 | |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|------------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 10/763,970 | REEVES, JOSEPH MICHAEL |
| | Examiner | Art Unit |
| | Randall Chin | 1744 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the Examiner on form PTO-892, they have not been considered.

Specification

2. The disclosure is objected to because of the following informalities: On p. 8, lines 15-17, it is unclear how the **outer layer 30** is in the **immediate** proximity of the bristles of the brush as shown in Figs. 4 and 5. In other words, with respect to what is "outer" referring to here? It is unclear why the layer 30 is termed the **outer** layer? It is also unclear what the elements shown in phantom are in Fig. 5.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Buck '105.

The patent to Buck '105 teaches an accessory 10 (Figs. 1 and 2) in the nature of a mitt, said mitt comprising a tube 20 of soft pliable material (terry cloth as recited in col. 2, line 19), said tube having an opening 24 formed therein, said opening being of such size as to receive a bristled brush therethrough, if so desired, such that said material would completely cover the bristles of the brush, a closure 28, 30 for securing said tube about the brush, and a series of openings 32, 34, 36, 38 (Fig. 1) in said material in proximity to the bristles of the brush to permit disgorgement of sudsy water in said tube, if so desired.

As for claim 1 reciting that the accessory is "for covering a bristled brush used for cleaning the finish of a vehicle or the like", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

As for claim 3, the closure at 28, 30 is defined by Velcro patches (col. 2, lines 40-41) and are deemed to be "straps" having hook and loops for securing the material about a brush, if so desired.

As for claim 4, again, if a brush were to be inserted within the mitt, said material in proximity to the bristles of the brush would prevent the bristles from protruding beyond the boundary of said material to thereby prevent contact between the bristles and the finish of the vehicle to be cleaned. In any case, such recitation would really depend on the size of the openings or even the shape of such openings. Claim 4 simply does not define adequate structure to definitively define the scope of such recitation.

As for claim 5, the exterior surface of said material that would cover the bristles of the brush presents a soft smooth surface (since it's terry cloth) for cleaning the finish contacted by said material without scratching or marring the finish.

5. Claims 1, 2 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodloe '578.

The patent to Goodloe '578 teaches in Fig. 4 an accessory in the nature of a mitt, said mitt comprising a tube of soft pliable material, said tube having an opening 24 formed therein, said opening being of such size as to receive a bristled brush therethrough such that said material completely covers the bristles of the brush, a closure 24 for securing said tube about the brush, and a series of openings (since the material is mesh; p. 2, lines 40-43) in said material in proximity to the bristles of the brush to permit disgorgement of sudsy water in said tube.

As for claim 1 reciting that the accessory is for "cleaning the finish of a vehicle or the like", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to

patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

As for claim 2, the tube comprises two layers of material defined by inner layer 21 and outer layer 22 (p. 2, lines 43-46).

To avoid a redundant rejection, Goodloe '578 also teaches all of the recited subject matter as set forth above.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young 2004/0237234 (hereinafter Young '234) in view of Greenwood '572.

Young '234 teaches an accessory (Figs. 5 and 6) in the nature of a mitt 18, said mitt comprising a tube of soft pliable material (paragraph [0026]), said tube having an opening formed therein, said opening (Figs. 6 and 7) being of such size as to receive a bristled brush therethrough, if so desired, such that said material would completely cover the bristles of the brush, and a series of openings (paragraph [0026]) in said

material in proximity to the bristles of the brush to permit disgorgement of sudsy water in said tube, if so desired. Young teaches all of the recited subject matter with the exception of a closure for securing the tube about a brush. Greenwood '572 teaches an accessory having a closure for securing a tube at it's opening and the closure being a strap having a hook and loop device for securing purposes. It would have been obvious to one of ordinary skill to have provided Young's accessory with a closure being a strap having a hook and loop device as taught by Greenwood for more adequately securing the tube about a brush or even a wrist/arm of a user.

As for claim 1 reciting that the accessory is "for covering a bristled brush used for cleaning the finish of a vehicle or the like", a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

As for claim 2, the tube comprises two layers of material 12since the material may be doubled over itself (paragraph [0029]).

As for claim 4, again, if a brush were to be inserted within the mitt, said material in proximity to the bristles of the brush would prevent the bristles from protruding beyond the boundary of said material to thereby prevent contact between the bristles

and the finish of the vehicle to be cleaned. In any case, such recitation would really depend on the size of the openings or even the shape of such openings. Claim 4 simply does not define adequate structure to definitively define the scope of such recitation.

As for claim 5, the exterior surface of said material that would cover the bristles of the brush presents a soft smooth surface for cleaning the finish contacted by said material without scratching or marring the finish.

The above combination of Young and Greenwood also meets claims 6-9 as already explained. It will be added that the outer and inner layers (claim 6) would be met by the doubling over of material 12 as already explained above.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Leighton, Miller, Williams, Green, Granville, Mosely, Benitez and Wirth are relevant to various cover-type or mitt arrangements.

9. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, John Kim, can be reached at (571) 272-1142. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744